APPROVED 2/17/04

TOWN OF WESTFORD

PLANNING BOARD

MINUTES

DATE: February 2, 2004

TIME: 7:30 P.M.

PLACE: Westford Academy Choral Room

PRESENT: Peter Fletcher, Andrea Peraner-Sweet, Michael Green,

Robert Shaffer, Fred Palmer

OTHERS

PRESENT: Tim Greenhill-Town Planner, James Arsenault-Town

Engineer, Jamie Magaldi-Assistant Town Engineer,

Audience Members

Open Forum

Proposed Warrant Article for Annual Town Meeting - Community Development Plan - Ingrid Nilsson, Master Plan Implementation Committee (MPIC), requested that the Planning Board consider sponsoring a warrant article to develop a Community Development Plan for Westford. Nilsson outlined the comprehensive strategic plan for the Town. It was moved by Peraner-Sweet, seconded by Green, and VOTED UNANIMOUSLY, that the Planning Board submit to the Board of Selectmen a place holder for a warrant article seeking \$50,000 for the creation of a Community Development Plan to incorporate the update of the 1995 Master Plan.

Planning Board Meeting Schedule – The Planning Board scheduled the following meetings:

Tuesday, February 17, 2004 Monday, February 23, 2004 - Rules & Regulations

Monday, March 1, 2004 Monday, March 15, 2004

Monday, March 29, 2004 - Warrant Articles

Rome Drive - John Marderosian, 15 Rome Drive, asked the Board for the nature of the executive session scheduled for 8:00 p.m. and what was expected to come out of that executive session. Fletcher stated that the purpose of the executive session is to get an update from Town Counsel. Marderosian asked the Board when Rome Drive would be up for public discussion. Fletcher suggested that Marderosian contact Greenhill on Tuesday, February 3, 2004 for a possible discussion date.

Fees – Shaffer reported on a conversation with Suzanne Marchand, Finance Director, regarding the implementation of Planning Board fees. The Board will address fee schedules on February 23, 2004.

<u>PUBLIC HEARING - LAWTON AVENUE - DEFINITIVE SUBDIVISION - COMMON DRIVEWAY</u>

2 Sunny Meadow Lane, Mary-Anne Finnegan, Continued from January 5, 2004 and

<u>PUBLIC HEARING – LAWTON AVENUE – FLEXIBLE DEVELOPMENT</u> 2 Sunny Meadow Lane, Mary-Anne Finnegan, Continued from January 5, 2004

Mark Sleger, LANDTECH Consultants, was present for the applicant. The Board had continued this matter on January 5, 2004 in order to allow Greenhill time to compile the amended conditions of approval. Greenhill reported that the applicant originally had requested a Special Permit for a Common Driveway which is no longer needed. Sleger indicated that he would submit the request for withdrawal relative to the Common Driveway Special Permit. The Board reviewed the amended conditions.

It was moved by Green, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, to grant a waiver of to the Flexible Development to Mary-Anne Finnegan, 2 Sunny Meadow Lane, for the Lawton Avenue subdivision, waiver under Section 7.2 of the Town of Westford, Massachusetts Zoning Bylaws, Section 7.2.9(4) – Buffer Area.

It was moved by Green, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, to grant a Special Permit to Mary-Anne Finnegan for the creation of a three (3) lot Flexible Development Subdivision under plan entitled "Flexible Development Lawton Avenue, Westford Mass, dated September 25, 2003, revised through January 5, 2004" in accordance with Staff comments dated February 2, 2004 as amended here this evening.

It was moved by Green, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, to grant the following waivers as requested under the Subdivision Rules and Regulations for subdivision applicant Mary-Anne Finnegan, subdivision Lawton Avenue, dated March 28, 2003, revised through January 5, 2004, the following waivers are: 218-11.B(7) To not provide a landscaping plan; 218-12.D(2) To not construct sidewalks on both sides of the street; 218-12.E(4) To not provide curbs and gutters along the

roadway since drainage swales would convey runoff; 218-13.A(1) To construct the proposed minor street to common driveway standards with 16 feet of pavement; 218-13.A(1) To eliminate all sidewalks; 218-13.A.(3)(f) To substitute the required cul-de-sac with a tee turnaround; 218-13.E To construct the proposed driveway without granite curbing; 218-13.F To eliminate sidewalks from both sides of the street.

It was moved by Green, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, to grant Definitive Subdivision approval to Mary-Anne Finnegan for subdivision Lawton Avenue reflected on a plan "Lawton Avenue, Westford, Mass., prepared by LANDTECH dated March 28, 2003, revised through January 5, 2004" and in accordance with Staff comments dated February 2, 2004.

DISCUSSION ITEM - KINDERCARE

Carlisle Road, Kindercare Learning Center, Bonding of Items

Matt Taylor, representing Kindercare, was present. Taylor stated that he provided Greenhill with the revised plans based upon the Board's resolution and that all issues have been incorporated. Taylor reported that there are some onsite improvements that need to be addressed in the spring involving landscaping, curbing, and other non-life safety issues. Taylor reported that he met with the Engineering Department to discuss a bond estimate. Taylor indicated that he would be seeking a temporary Certificate of Occupancy within the next Arsenault reported that the Engineering Department has reviewed Taylor's bonding calculations. Taylor requested that some of the bond amount be held in a performance bond. The Board concurred with half of the bond amount being held in a performance bond. Peraner-Sweet asked that Town Counsel review the agreement relative to the performance bond. Taylor stated that he has also met with the Engineering Department regarding a plan modification regarding curbing in the right-of-way which will change the nature of some of the landscaping and the sidewalk design in the front of the site. Taylor indicated that he would work with the Engineering Department on the revised plan. Fletcher noted that the plan will need to be reviewed by the Board some time in the future.

<u>DISCUSSION ITEM - WOOLSACK ESTATES - ICING ISSUES</u> Wescon Construction

Mark Sleger, LANDTECH Consultants, representing Wescon Development, was present to discuss the icing problems currently occurring at the corner of Beaver Dam Drive and Brookview Drive. Sleger stated that groundwater is breaking out of the front yard slope, filtering down over the curbing, getting into the gutter line of the street, and freezing. Sleger stated that Woolsack Estates development was very closely scrutinized by Howe Surveying in the review of the drainage study and the hydrogeological study. Sleger outlined the groundwater interceptor trenches and detention basin systems designed to

help collect the groundwater and pipe it down into a wetland to be discharged down into the catch basin and into the storm drain system. Sleger felt that the development was not causing additional groundwater onto Beaver Dam Drive. Sleger pointed out that the groundwater is slightly above normal for this area and that there have been extended periods of very cold and freezing Sleger stated that it is unlikely that this development is causing temperatures. any adverse impacts or any elevated groundwater. Sleger reported that Lots 1 and 2 are completed and Lots 3 and 4 are vacant and Lot 5 is currently under construction. Sleger also reported that the closest septic system is 1,200 feet away from the source of the groundwater. Sleger outlined the drainage system for the development. Sleger noted that at the last meeting the Board withheld the building permits on Lots 3 and 4. Sleger asked that those building permits be released as the impact is not caused by this development.

Arsenault stated that there was no proof in the report from LANDTECH, nor was there any documentation or specific reports, changes in groundwater levels, no defining calculations, or no supporting information. Arsenault stated that the report was just what the reviewer thought and past histories without specific reports being referenced.

Sleger stated the hydrogeological study and drainage study have been submitted to the Town. Sleger stated that he based his conclusions on common sense and logic. Sleger stated that he observed flowing water out of the lowest outlet structure last week and a small amount of ice on the upper pond. Sleger stated that there was no surface runoff coming from the site. Sleger pointed out the locations of the monitoring wells.

Green asked what other documents can be generated to determine the cause of the runoff. Shaffer asked for historical information regarding any other icing problems in this area. The Board requested that all the parties meet to come to a resolution to this problem. Peraner-Sweet was not in favor of releasing the building permits. Sleger reiterated his request to release the building permits. Peraner-Sweet asked Greenhill to provide a copy of the agreement between the developer and the abutters that was incorporated into the approval. Shaffer requested that a representative from Howe Surveying be present at the next meeting to answer the Board's questions. Sleger to work with Greenhill on notification to abutters regarding going onto their properties.

Jose Ramirez, 14 Beaver Dam Drive, stated that the runoff is coming to his driveway and into his garage. Ramirez thanked the Highway Department for the outstanding job addressing the icing problem. Ramirez pointed out that he has lived at in his home for 21 years and this is the second year that he has seen this type of problem. Ramirez stated that the only thing that has changed in the last 21 years is the Woolsack Estates and suggested another study be done to determine the source of the problem and resolve it as soon as possible.

Continued to Tuesday, February 17, 2004.

EXECUTIVE SESSION - ROME DRIVE

Angelcrest, Inc., Update from Town Counsel

Shaffer recused himself as he is an abutting landowner. Ellen Callahan Doucette, Town Counsel, reported that she spoke to Attorney Gary Brackett today regarding whether or not to go into executive session to discuss this matter. Doucette recommended that the Board meet in executive session to discuss a possible litigation aspect. It was moved by Peraner-Sweet, seconded by Green, and VOTED 4 IN FAVOR WITH 1 RECUSAL (Shaffer), to go into Executive Session at 8:10 p.m. for the purpose of discussing pending litigation. A polling of the Board: Fletcher-yes; Peraner-Sweet-yes; Green-yes; Palmer-yes; Shaffer-recusal. The Board to return to regular session to complete the unfinished agenda items.

RECONVENE TO REGULAR SESSION

The Board reconvened to regular session at 8:20 p.m.

<u>PUBLIC HEARING - WESTFORD TECH PARK WEST - SITE PLAN</u> REVIEW, SPECIAL PERMITS

Concord/Power Roads, Westford West Realty Trust (Gutierrez), Continued from January 5, 2004

Michael Holland, Symmes Maini & McKee and Doug Fainelli, Gutierrez Company, were present for the applicant to discuss the design process, site layout, screening of neighboring properties, review of open space, and landscaping. Holland provided background information on Symmes Maini & McKee. Holland made a presentation regarding the history of the site, site opportunities, site constraints, genesis of the building locations, building footprints and designs, environmental impacts, and open space.

Green felt that the site was overbuilt in terms of the usable space to the detriment of other amenities that could be provided to tenants and abutters. Green stated that he would like to see smaller structures and fewer buildings given the massing and scaling along the connector road. Green asked for more discussion in the future regarding view sheds associated with elevations of the intersection of Power and Concord Roads, elevations of the buildings, and impacts on the abutting residences.

Peraner-Sweet asked for information regarding the possibility of designing some of the buildings as multiple occupancy structures and how that redesign would impact the size, structure and mass of the buildings. Fainelli stated that most of the leases are for a ten to fifteen year timeframe and if the lease is not renewed at the end of the term the building will probably have to be broken up. Fainelli stated that the buildings are designed in a fashion that will allow them to become multi-tenanted buildings in the future. Peraner-Sweet asked that Fainelli provide the Board with a summary of the open space calculations and the setbacks from Power Road, Route 110 and the connector road. Peraner-

Sweet asked Fainelli what percentage of their budget that will be devoted to landscaping. Holland estimated that approximately 15% of the budget will be used for site preparation and landscaping. Fainelli felt that the percentage will be higher due to the commitments made to the Conservation Commission specifically regarding the open channel and the restoration of the wash water areas. Peraner-Sweet noted that the site is nearly barren of any landscaping and will require a great deal of landscaping particularly in mitigating the massing and scaling of the buildings. Peraner-Sweet agreed with Green regarding concerns of the mass, scale, size, structure, and impact on the neighborhood. Peraner-Sweet asked to see a detailed analysis regarding the fiscal impact of this development on town services.

Shaffer asked if the applicant was looking at any kind of mixed use for the tenants of the office park as well as the residents. Fainelli stated that they looked at what would meet the current zoning (industrial highway) for the parcel. Fainelli stated that the current zoning does not afford the applicant the opportunities to do mixed use. Fletcher felt it would be a great opportunity to have some mixed use in the development as a retail support for the residents and the people within the park.

Shaffer felt that the channel offered an opportunity for a natural element within the park and that it be worked into the green space to help soften the impact of the parking spaces. Shaffer asked to review the plantings at a future meeting to determine the amount of buffering of the visual impact along Power Road and the intersection of Concord and Power Roads.

Shaffer commented on the bright lighting associated with the NETSCOUT building and asked the applicant that when designing the buildings they try to eliminate the impact of lighting.

Palmer also suggested mixed use within the park. Palmer asked for clarification of the landscaping plan. Holland stated that the plan is the actual landscaping plan. Palmer pointed out locations that he would like to see more plantings for visual buffering.

Peraner-Sweet asked for information regarding the recreation component of the site. Fainelli referenced an e-mail from the Recreation Commission agreeing to acceptance of the triangular parcel with conditions imposed on Gutierrez. Fainelli stated that Gutierrez looked at the additional work as mitigation. Fainelli stated that Gutierrez is still willing to allow that land to be used as a recreational component for the town's benefit. Fainelli asked to discuss at a future meeting the mitigation proposed for the connector road. Sandra Habe, Parks and Recreation Department, stated that the Recreation Commission met in October and came up with several points in order to agree to the triangular piece of land. Habe stated that the triangular piece is far from the expectations that the Recreation Commission and Town were originally told they would receive. Habe outlined the Recreation Commission requests to Gutierrez.

Fletcher agreed with the concerns expressed by the Board. Fletcher stated that the Board has to determine what is best for the community and the developer.

Lauren Coffey, 178 Concord Road, stated that 2" caliper deciduous trees will not protect the view shed. Coffey stated that her view currently is of the Nashoba Valley Ski Area which she would like to preserve. Coffey urged the Board to be careful in terms of a mixed use in the park particularly a restaurant.

Bob Krankewicz, 15 Boston Road, stated that the Secretary of Environmental Affairs commented on the environmental impacts regarding 10 acres of new impervious surfaces, generation of 3,000 new vehicle trips per day, 1,000 new parking spaces, waste water and storm water. Krankewicz wanted more discussion on parking structures to remove some of the parking spaces. Krankewicz felt that the site was problematic and suggested that the project be scrutinized more and reduced. Krankewicz felt that if the traffic is not addressed there will have to be another entrance onto Route 495 which would change the character of the Town.

Melissa Faherty, Rail Tree Terrace, stated that the neighbors do not want the bypass road or the exit onto Power Road nor do they want the development. Faherty asked that the bypass road not be directed onto Power Road.

Linda Diamond, 7 Trailside Road, was concerned that nothing new or different was proposed by the applicant. Diamond felt that the project would have negative impacts on the neighborhoods. Diamond stated that there have already been some substantial detrimental impacts to the Town. stated that the traffic study has shown the negative impacts the proposed buildout will cause on the existing roadways and the failed intersections. recommended the Board not grant the special permits. Diamond stated that the existing wastewater treatment plant on the NETSCOUT property has not been in compliance for an extended period of time and has shown a higher level of pollutants in down gradient wells. Diamond asked the Board to look at past performances when making a decision. Diamond was concerned that a mixed use concept would negatively impact the surrounding neighbors and would add potential costs in terms of town services and public utilities. Diamond noted that there have been no studies regarding the water demands of this develop-Fletcher stated that the applicant talked to the Water Department and those issues have been answered. Diamond asked to see the data from the Water Department. Diamond also noted that irrigation; electricity and power demands have not been discussed. Diamond was concerned that some of the graphics being discussed are out of date.

Fred Mettler, 42 Vine Brook Road, felt that the analysis of the safety of the Power Road entrance is inaccurate based upon certain information. Shaffer stated that the safety issue has been brought to the applicant's attention. Mettler stated that some of the numbers used in the analysis are incorrect.

Mettler read a statement from the American Association of State Highway and Transportation Officials (AASHTO) regarding the determination of site distance.

Larry Gormley, Concord Road, asked that when graphics are displayed, those graphics provide some context of what is being looked for in terms of landscaping. Peraner-Sweet stated that part of the submission and approval process is the submittal of a full landscape plan that will be incorporated into any approval that the Board might issue and that they have to build according to that landscape plan. Gormley asked that the applicant provide the percentage of the budget that is going into the landscaping.

Peter Severance, Snow Drive, stated that the residents feel that this project is too big. Severance noted that they have not seen a different picture at all. Severance asked the Board to ask the developer to put together a plan based on the same principles of site planning for a 500,000 sq. ft. of building space instead of 750,000 sq. ft. Severance also wanted to see a site plan without the Power Road connection, without the bypass road and with 250,000 sq. ft. less. Severance felt that everyone deserved to see what that plan would look like.

Peter Lash, Bear Hill Terrace, felt that the trees along the corridor at Tech Park East were insufficient drawing the eye to the large buildings. Lash stated that he was offended that the applicant would think that the donation of land for Recreation was some sort of contribution to the Town. Lash pointed out that the site is small and inaccessible and it is a piece of land that the developer cannot use. Lash recommended moving a building away from the residential area and installing parking for a soccer field that would be accessible for the Town's use.

Bill Faherty, 4 Rail Tree Terrace, asked if the current plan meets the 50% open space requirement. Peraner-Sweet indicated that the Board will confirm that the plan meets the open space and setback requirements. Faherty stated that the residents want to know if the plan meets all of the town's requirements. Faherty felt that a great deal of time and revenue are lost to residents relative to the traffic.

Continued to March 1, 2004 at 8:10 p.m.

MISCELLANEOUS:

DIRECTOR'S REPORT

Meeting with Selectmen regarding Magnolia Drive – Greenhill to invite the Board of Selectmen to the Planning Board's meeting of February 23, 2004 at 7:30 p.m.

Executive Order 418 (Comprehensive Plan Consultants) – The Board reviewed the list of consultants provided by the Department of Housing and Community Development. Green asked for a discussion with Norman Khumalo, Assistant Town Manager, regarding the consultant process.

MAILBOX

Letter dated January 28, 2004 from Hall, Finnegan, Ahern and Deschenes regarding Barrister Drive (Drainage Concerns). Peraner-Sweet wanted to know how a road can be built without a drainage pipe that was supposed to be installed and how that discrepancy was not discovered earlier. Arsenault believed that the developer was going to fix the problem and submit a plan to the Town. Fletcher asked Greenhill to provide to the Board with the decision on Barrister Drive. Fletcher asked Arsenault to provide the plan submitted during the 1980's as well as the most recent plans. Arsenault stated that the key item he pointed out to the developer and the attorney was that prior to the new development, there were no issues. Arsenault stated that since the new ANRs went in and the developer modified the detention structure, all of the problems have arisen. The Board directed Arsenault to tell the developer to fix the problem.

Letter from the Permanent School Building Committee regarding Integrated Pest Management – The Board reviewed the memo dated January 21, 2004. Fletcher recommended review of the original Special Permit that the Board issued. Peraner-Sweet recalled that the overall goal of the IPM Committee was to have a detailed IPM and then they would come back to the Board to re-open the public hearing and make the detailed plan a part of the conditions and approval. Sandra Habe, Parks & Recreation Committee, stated that there are concerns regarding the building of the fields pursuant to the report from the independent consultant hired by the Water Department. Habe stated that there is not 3 inches of soil, according to specifications, to establish the fields. Habe will continue to work with the Permanent School Building Committee.

MINUTES

It was moved by Green, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, to approve the minutes of January 5, 2004.

It was moved by Palmer, seconded by Shaffer, and VOTED 3 IN FAVOR WITH 2 ABSTAINING (Peraner-Sweet, Green), to approve the minutes of January 12, 2004.

It was moved by Green, seconded by Peraner-Sweet, and VOTED 3 IN FAVOR WITH 2 ABSTAINING (Fletcher, Shaffer), to approve the minutes of January 20, 2004.

ADJOURNMENT

It was moved by Peraner-Sweet, seconded by Shaffer, and VOTED UNANIMOUSLY, to adjourn the meeting.

Submitted by Beth Kinney, Recording Secretary